

SEP 08 2005

10/523293

VIA FACSIMILE: 1-571-273-8300

Atty. Docket No. KIL01 P-435

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application No. : 10/523,293  
U.S. Filing Date : February 3, 2005  
International Application No.: PCT/EP03/08643  
International Filing Date : August 1, 2003  
Confirmation No. : 3564  
For : MEDICAL DEVICE

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile to the Patent and Trademark Office on the date shown below:

1. Response To Notification To File Missing Requirements Of Application with surcharge fee of \$65.00 to be charged to Deposit Account No. 16-2463 (in duplicate),
2. Declaration and Power of Attorney identifying the application by international application number and international filing date (executed), and
3. Copy of Notification Of Missing Requirements Under 35 U.S.C. 371 In the United States Designed/Elected Office (DO/EO/US).

YOU SHOULD RECEIVE A TOTAL OF 8 PAGES.

September 8, 2005  
Date

Deborah A. Clark  
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Atty. Docket No. KIL01 P-435

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Emmanuel Mastorakis  
U.S. Application No. : 10/523,293  
U.S. Filing Date : February 3, 2005  
International Application No.: PCT/EP03/08643  
International Filing Date : August 1, 2003  
Confirmation No. : 3564  
For : MEDICAL DEVICE

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**RESPONSE TO NOTIFICATION TO FILE**  
**MISSING REQUIREMENTS OF APPLICATION**

Responsive to the Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) mailed July 8, 2005, enclosed herewith are the required parts of the above-identified application which were not available at the time of filing:

1. Declaration and Power of Attorney identifying the application by international application number and international filing date.

Also enclosed is the required copy of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) and the surcharge fee of \$65.00 is to be charged to Deposit Account No. 16-2463.

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Applicant : Emmanuel Mastorakis  
U.S. Application No. : 10/523,293  
Page : 2

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account 16-2463. A duplicate copy of this sheet is enclosed.


Respectfully submitted,

EMMANUEL MASTORAKIS

By: Price, Heneveld, Cooper,  
DeWitt & Litton, LLP

September 8, 2005  
Date

GJE/dac

  
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GVE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/523,293	FIRST NAMED APPLICANT Emmanuel Mastorakis	ATTY. DOCKET NO. KIL01 P-435
INTERNATIONAL APPLICATION NO. PCT/EP03/08643		
LA FILING DATE 08/01/2003	PRIORITY DATE 08/06/2002	

277  
 PRICE HENEVELD COOPER DEWITT & LITTON, LLP  
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 GRAND RAPIDS, MI 49501

CONFIRMATION NO. 3564  
 371 FORMALITIES LETTER



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Missing Requirements Du  
 September 8, 2005

Date Mailed: 07/08/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/03/2005
- Copy of the International Search Report filed on 02/03/2005
- Preliminary Amendments filed on 02/03/2005
- Information Disclosure Statements filed on 02/03/2005
- Oath or Declaration filed on 02/03/2005
- Small Entity Statement filed on 02/03/2005
- Request for Immediate Examination filed on 02/03/2005
- U.S. Basic National Fees filed on 02/03/2005
- Priority Documents filed on 02/03/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

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- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,293	PCT/EP03/08643	KIL01 P-435

FORM PCT/DO/EO/905 (371 Formalities Notice)

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